IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

-

WRIT PETITION Nos. 5197, 5263, 5301, 5303 and 5304 of 2005

W.P.No.5197 of 2005

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Between:

1. T.C. Malla Reddy S/o T. Rami Reddy
Licencee of R.R. Wines (156/98-99) D. No. 8/80, Buggaletipalli

Village, C.K. Dinne Mandal, Kadapa, District.
2. G. Venkata Subba Reddy S/o Venkata Swamy Reddy
Occupation: Licencee of M/s. Nagendra Wines (341/98-98),

D. No. 601, C.K. Dinne Village and Mandal, Kadapa District
3. C. Sreenivasula Reddy S/o Nagi Reddy,
Licencee of M/s. Vinayaka Wines,(448/2000-01) Main Road,

Tippalur, Yerraguntla Mandal, Kadapa District

..... PETITIONERS

AND

1. The Government of Andhra Pradesh, Revenue (Excise-II)

Department Secretariat, Hyderabad, rep by Special Chief Secretary
2. The Commissioner of Prohibition & Excise, Government of Andhra

Pradesh, Hyderabad
3. The Superintendent of Prohibition & Excise, Kadapa,
Kadapa District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the G.O. Ms. No. 184 Revenue (Excise-II) Department, dated 07-02-2005 as illegal, unjust and arbitrary and consequently set a side the G.O. Ms. No. 184 Revenue (Excise-II) Department dated 07-02-2005 and the consequential notification issued by the 3rd respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.L.J.VEERA REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W.P. No. 5263 of 2005

Between:

C.V. Ramana Reddy, S/o not known, M/s. Siva Wines, D.No.3/223, Buddayapalem Street, Simhadripuram, Pulivendla taluq,

Kadapa District.

(Government License Form IL-24, Vide L.No.188/98/99.

..... PETITIONER

AND

1. The Government of A.P., rep. by its Special Chief Secretary,

Revenue (Excise-II), Dept., Secretarit, Hyderabad.
2. The Commissioner of Prohibition & Excise, A.P., Hyderabad.
3. The Deputy Commissioner of Prohibition & Excise, Kadapa, Kadapa

District.
4. The Prohibition & Excise Superintendent, Kadapa,

Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the 1st respondent contained in G.O.Ms.No.184, Revenue (Excise-II) Department, dated 7.2.2005 purporting to avoid the renewal of the existing IL-24 Licenses and proceeding to issue a licenses for the 7500 IL-24 shops in the State which is illegal arbitrary and consequently direct the respondents to continue to renew the IL-24 License of the petitioner for the excise year 2005-06 onwards.

Counsel for the Petitioner: MR.KADASANISUDERSHAN REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W.P. No. 5301 of 2005

Between:

Bhuma Subba Rayudu, S/o. not known,
M/s. Bhuma Wines, D.No.1/259(4)-7, Madras Road,

Chinnachowk, KADAPA.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, rep by its Special Chief

Secretary, Revenue (Excise-II) Department,

Secretariat, Hyderabad.
2. The Commissioner of Prohibition & Excise, Andhra Pradesh,

Hyderabad.

3. The Deputy Commissioner of Prohibition & Excise,

Kadapa, Kadapa District.
4. The Prohibition & Excise Superintendent,

Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the 1st respondent contained in G.O. Ms. No. 184, Revenue (Excise-II) Department, dated 7-2-2005 purporting to avoid the renewal of the existing IL-24 licenses and proceedings to issue a licenses for the 7500-IL-24 shops in the state which is illegal arbitrary and consequently direct the respondents to continue to renew the IL-24 license of the petitioner for the excise year 2005-06 onwards and pass such other order or orders as this Hon'ble court may deems fit and proper under the circumstances of the case.

Counsel for the Petitioner: MR.KADASANISUDERSHAN REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W.P. No. 5303 of 2005

Between:

L. Vijaya Bhasker Reddy
M/s. New Palempalli Wines, Door No. Room No.1,

Near Apsara Theater Area , Kadapa,

Government License Form II.24, L.no.287/98-990

..... PETITIONER

AND

1. The Government of A.P., Rep by its Special Chief Secretary
   Revenue (Excise-II) Dept Secretariat , Hyderabad
2 The Commissioner of Prohibition & Excise
   A.P., Hyderabad.
3 The Deputy Commissioner of Prohibition & Excise
   Kadapa , Kadapa District.
4 The Prohibition & Excise Superintendent,
   kadapa , Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ order or direction more particularly one in the nature of *Writ of Mandamus* declaring the 1st respondent contained in G.O.Ms.No.184 Revenue (Excise-II) Department, dated 7.2.2005 purporting to avoid the renewal of the existing IL-24 licenses and proceedings to issue a licenses for 7500 II-24 shop in the state which illegal, arbitrary and consequently direct the respondents to continue to renew the IL-24 license of the petitioner for the excise year 2005-2006 onwards and pass such other order or orders.

Counsel for the Petitioner: MR.KADASANISUDERSHAN REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W.P. No. 5304 of 2005

Between:

P. Navaneswara Reddy S/o. China Obul Reddy,
Near Old Bus Stand, D.No.4/498, Kadapa.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, rep. by its Special Chief

Secretary, Revenue(Excise-II) Department, Secretariat,

Hyderabad.
2. The commissioner of Prohibition & Excise Andhra Pradesh,

Hyderabad.
3. The Deputy Commissioner of Prohibition & Excise, Kadapa, Kadapa

District.

4. The Prohibition & Excise Superintendent,
Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of *Writ of Mandamus* declaring the 1st respondent contained in G.O.Ms.No.184 Revenue (Excise-II) Department, dated 07.02.2005 purporting to avoid the renewal of the existing IL-24 licenses and proceeding to issue a licenses for the 7500 IL-24 shops in the State which is illegal arbitrary and consequently direct the respondents to continue to renew the IL-24 license of the petitioner for the excise year 2005-06 onwards.

Counsel for the Petitioner: MR.KADASANISUDERSHAN REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

Heard both sides. Perused the material placed before me.

2 . Challenging the G.O.Ms.No.184, Revenue (Excise-II) Department, dated 7.2.2005, petitioners in all the writ petitions filed these writ petitions.

3. It is represented by both the counsel that a batch of Writ Petitions, covering the same subject matter, have been allowed by a learned single Judge of this Court, and on appeal, the order of the learned single Judge was upheld by a Division Bench of this Court in W.A.No.344 of 2005 and batch and hence these

writ petitions are also to be allowed.

4. In view of the said fact, these writ petitions are also allowed at the stage of admission in terms of the observations made in the W.A.No.344 of 2005 and batch. No costs.

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(D.S.R. VARMA, J)

Date: 30.03.2005

Ksn

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Special Chief Secretary, Government of Andhra Pradesh,

Revenue (Excise-II) Department, Secretariat, Hyderabad,

2. The Commissioner of Prohibition & Excise, Government of Andhra

Pradesh, Hyderabad

3. The Superintendent of Prohibition & Excise, Kadapa,
Kadapa District

4. The Deputy Commissioner of Prohibition & Excise, Kadapa,

Kadapa District.

5. 2 CCs to G.P. for Prohibition & Excise, High Court Buildings,

Hyderabad (OUT).

6. 2 CD copies